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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

DALE CLEMENTS ALLEN ,)	No. CV09-3417 SI
)	
Plaintiff,)	STIPULATION TO DISMISS; AND
)	[PROPOSED] ORDER
v.)	
)	
JANET NAPOLITANO, Secretary,)	
Department of Homeland Security;)	
MICHAEL AYTES, Acting Deputy)	
Director, U.S. Citizenship and Immigration)	
Services; CHRISTINA POULOS, Director,)	
California Service Center, U.S.C.I.S.;)	
HILLARY CLINTON, Secretary of State,)	
)	
Defendants.)	

Plaintiff, by and through his attorney of record, and Defendants, by and through their attorneys of record, hereby stipulate, subject to the approval of the Court, to dismissal of the above-entitled action without prejudice because the United States Department of State has agreed to vacate the 1978 Certificate of Loss of Nationality, and accept and adjudicate a new properly completed passport application submitted by Plaintiff in the manner specified by separate notice.

The parties also ask that the Court vacate the November 13, 2009 hearing date on Defendants' Motion to Dismiss.

Each of the parties shall bear their own costs and fees.

Date: November 12, 2009

Respectfully submitted,

JOSEPH P. RUSSONIELLO
United States Attorney

/s/
ILA C. DEISS
Assistant United States Attorney
Attorneys for Defendants


Date: November 12, 2009

/s/
TERESA SALAZAR-COSMOS
Attorney for Plaintiff

ORDER

Pursuant to stipulation, IT IS SO ORDERED.

Date:


SUSAN ILLSTON
United States District Judge